

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-209162

DATE: November 1, 1982

MATTER OF: Dallas Pike Security Company

DIGEST:

1. Protest questioning apparent low bidder's ability to perform required number of hours in view of fact that multiplication of minimum wage times hours to be worked yields a figure greater than the amount of the low bid is dismissed because GAO does not review affirmative determinations of responsibility except under circumstances not applicable here.

Allegation that a bid price is too low to permit satisfactory performance does not provide a valid basis to challenge an award to a bidder that is determined to be responsible.

Dallas Pike Security Company (Dallas) protests the proposed award of a contract to the apparent low bidder, Travis Salvage Corporation (Travis), under solicitation No. S2830103 issued by the Department of Labor, Mine Safety and Health Administration (Labor).

Dallas contends that Travis' bid is nonresponsible because the bid price is less than the product of the minimum hours required by the solicitation multiplied by the minimum wage rate required. Dallas concludes that Travis cannot perform all the hours called for since it will not be receiving from the Government as compensation a sum sufficient to pay its employees for the required hours of work.

Our Office does not review protests against affirmative determinations of responsibility unless fraud is alleged on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Mid America Movers, Inc., B-201740,

023830

February 9, 1981, 81-1 CPD 84. Neither exception is applicable here. Regarding Dallas' apparent contention that Travis' bid price is too low, the fact that a bid may be below cost does not provide a valid basis to challenge an award to a firm that is determined responsible. Tombs & Sons, Inc., B-206810.2, May 10, 1982, 82-1 CPD 447.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel